IN THE HIGH COURT OF HIMACHAL PRADESH, SHIMLA

RSA No. 325 of 2006

Decided on : August 2, 2006

Ram Dhan **…..Appellant.**

VERSUS

Associated Cement Co. Ltd. **…..Respondent.**

Coram

The Hon'ble Mr. Justice Surjit Singh, Judge.

Whether approved for reporting?[1]

For the Appellant : **Mr. Prashant Kanwar, vice M/s Rajiv Jiwan & Sandeep Sharma, Advocates.**

For the Respondent : **Mr. K.D. Sood, Advocate.**

Surjit Singh, Judge (Oral)

Heard and gone through the record.

2. Appellant-plaintiff, who was an employee of the respondent-defendant, got his date of birth recorded as 26.6.1943 at the time of his employment. When he neared the age of superannuation, he made a representation that his date of birth was 26.7.1945 and correction be made accordingly and he be retired by considering his date of birth as 26.7.1945. His representation was rejected and then he filed a Civil Suit. The Trial Court dismissed the suit holding that the evidence on record did not prove his assertion. Appeal filed by him in the Court of District Judge stands dismissed.

3. The two Courts below have given concurrent finding, based on the appreciation of evidence adduced by the parties, that the date of birth of the appellant-plaintiff is 26.6.1943, as got recorded

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Whether the reporters of the local papers may be allowed to see the Judgment?

by him at the time of his employment with the respondent-defendant. This being a finding of fact, pure and simple, no substantial question of law arises. Hence, the appeal is dismissed.

CMP No.597/2006

Infructuous.

(Surjit Singh)
August 2, 2006(sd) **Judge.**